

The Honorable John H. Chun
The Honorable Michelle L. Peterson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; and AMAZON.COM SERVICES
LLC, a Delaware limited liability company,

Plaintiffs,

v.

YAN LI, an individual; and XIWEI CHEN, an
individual; and DOES 1-10,

Defendants.

No. 2:23-cv-00486-JHC-MJP

**SUPPLEMENTAL DECLARATION OF
SCOTT COMMERSON IN SUPPORT
OF PLAINTIFFS' *EX PARTE* MOTION
FOR ALTERNATIVE SERVICE**

I, Scott Commerson, declare and state as follows:

1. I am a Partner at the law firm Davis Wright Tremaine LLP, which represents Plaintiffs Amazon.com, Inc., and Amazon.com Services LLC (together, "Amazon" or "Plaintiffs") in the above-entitled litigation. I am over 18 years of age. The statements made below are true to the best of my knowledge and belief. I make them in further support of Plaintiffs' *Ex Parte* Motion for Alternative Service (the "Motion") and in response to the Court's June 4, 2024 Minute Order (Dkt. 38) directing Amazon to file a supplemental declaration with additional information about Amazon's efforts to confirm the locations of Defendants Yan Li ("Defendant Li") and Xiwei Chen ("Defendant Chen") (collectively, "Defendants").

2. As set forth in my prior declaration filed in support of the Motion (Dkt. 36), the payment service providers Ping-Pong Global Solutions, Inc. ("PingPong") and Payoneer, Inc.

1 (“Payoneer”) disclosed physical addresses in China for Defendants Li and Chen, respectively.
2 PingPong and Payoneer hosted virtual bank accounts that Defendants used to receive and
3 transfer proceeds from their sale of products in the Amazon Store by the Cuncq Ylo selling
4 account (the “Cuncq Ylo Selling Account”), which was linked to the Vivvic Brand Registry
5 Account. As discussed in the First Amended Complaint (Dkt. 30), Defendants used the Vivvic
6 Brand Registry Account to submit fraudulent notices of infringement to Amazon to remove
7 content from the Amazon.com store.

8 3. Payoneer disclosed that Defendant Chen had registered the following residential
9 address when he opened his Payoneer account: Chencuoxiaxiang Beisanxiang 10, Fengxi
10 Village, Paotai Town, Jieyang City, Guangdong Province, China. Plaintiffs hired an investigator
11 in China who visited this village. Plaintiffs’ investigator located house number 9 on this street,
12 but reported that there was not any house identified with the number 10. The house immediately
13 next to number 9 had no number, and no one was present at that residence. Plaintiffs’
14 investigator inquired with a neighbor whether Defendant Chen occupied the address without a
15 house number. The neighbor stated that she knew the occupant of the address without a house
16 number, and that Defendant Chen did not reside there. The neighbor was not aware of anyone by
17 Chen’s name who resided in the neighborhood.

18 4. PingPong disclosed that Defendant Li had registered the following residential
19 address when he opened his PingPong account: an apartment located at Room 8033, Building 8,
20 Taoyuanju, Shiyan Street, Baoan District, Shenzhen City, China. Plaintiffs’ investigator visited
21 this address on three occasions on three different dates and times. Plaintiffs’ investigator reported
22 that the first two times they went to the apartment, there was no response to Plaintiffs’
23 investigator’s knocks at the door. On the third visit, the occupant answered and stated that they
24 did not know Defendant Li, and that Defendant Li did not reside at the address. Plaintiffs’
25 investigator further inquired with both security guards and cleaning staff at the building as to
26 whether Defendant Li resided at this address. Both the security guards and cleaning staff
27 responded that they did not know Defendant Li.

5. Despite a diligent investigation, Plaintiffs have not uncovered any valid physical addresses for Defendants Li or Chen, and have no other leads as to their present locations.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 10th day of June, 2024 at Los Angeles, California.


Scott Commerson